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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,697	11/25/2003	Allan P. Thompson	2507-5776.2US (21595-US-0	6301

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EXAMINER	
DIXON, MERRICK L	

ART UNIT	PAPER NUMBER
1774	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,697	THOMPSON ET AL.	
	Examiner	Art Unit	
	Merrick Dixon	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 25 November 2003.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11-25-03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1,4 and 9 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 and 17 of U.S. Patent No. 6479148. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to the skilled artisan to select specific types resins and fibers to produce the claimed material of similar claimed density, in the absence of unexpected results.

3. Claims 1 and 9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,16 and 17 of U.S. Patent No. 6235359. Although the conflicting claims are not identical, they are not patentably distinct from each other because . because it would have been obvious to the skilled artisan to select specific types resins and fibers to produce the claimed material of similar claimed density, in the absence of unexpected results.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1- 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Canfield et al (US 6711901 B1).

The cited reference teaches the claimed invention including a composite article comprising a pre-preg material comprising a reinforcement impregnated with a thermosetting resin and same article having a specific density ranging from approximately 1.00-1.15 g/ml – col 8, lines 52-54; col 9, lines 62-64; see entire reference. Concerning claims 2 and 3, the reference teaches phenolic resin, as claimed – col 9, lines 1-15. concerning claims 4-6, the reference teaches the claimed fibers- col 8, lines 52—67. concerning claims 7 and 8, the reference teaches the claimed fillers- col 9, lines 27-30. concerning claim 9, the reference teaches rocket nozzle component- fig 1. concerning claim 10, the reference teaches panel article in col 4, lines 33-37. concerning claims 11 and 12, the reference teaches the claimed tensile strength in col 10, lines 1-8.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1,3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yorgason (US 5280706) in view of Shaw et al (US 4643940).

The cited primary reference teaches the claimed composite article comprising a pre-preg material comprising a reinforcement impregnated with a thermoplastic resin- col 1, lines 15-21; col 3, lines 50-60; col 2, lines 53-60; col 6, lines 6-21; claim 8. The primary reference, although substantially teaches the claimed invention, however, is silent in regards to the article's density. The secondary reference to Shaw et al, however, teaches that it is known in the art to manipulate articles such as taught by the primary reference to obtain desired densities- col 2, lines 33-39. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Shaw et al and so manipulate the resulting article densities via selecting specific types resin/fibers motivated by the desire to obtain specific densities therefor, in the absence of unexpected results. Concerning claim 3, the primary reference teaches the claimed resin- col 1, lines 63-65. concerning claim 4, the primary reference teaches the fiber as claimed- col 1, lines 62-63.

Concerning claim 9, the primary reference teaches rocket-like product- figs 3 and 5. concerning claim 10, the primary reference teaches panel-like product- fig 1; col 7, lines 4-17 (see secondary reference, col 1, lines 50-52). Concerning claim 7, the secondary reference teaches filler material in col 4, lines 30-31. Concerning claims 11 and 12, the secondary reference teaches manipulation/selection of specific material(reference indeed teaches the same material) to get desired tensile properties. It is submitted that the obvious combined teaching of the references would produce articles possessing

similar, if not identical, tensile strength, in the absence of unexpected results. Concerning claims 5 and 6, the secondary reference teaches similar filaments- col 2, lines 51-53. concerning claim 7, the secondary reference teaches fillers in col 4, lines 30-32.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal. Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.**

The fax number for all other fascimile is 703-872-9306.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).
Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197.**

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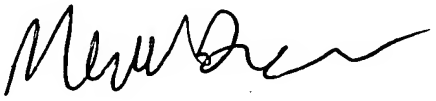
Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.



Merrick Dixon

Primary Examiner

Group 1700